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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN PHOMMA,

Defendant.

Case No. 3:20-cr-00465-JO

**UNOPPOSED MOTION TO
CONTINUE TRIAL**

NOW COMES Kevin Phomma, through his attorney, Gerald M. Needham, and moves to continue the presently scheduled trial date of February 9, 2021, to April 27, 2021, or a date thereafter convenient to the Court. This motion is unopposed by the government. February 9, 2020, is the second trial setting.

Mr. Phomma has been indicted for one count of Civil Disorder in violation of 18 U.S.C. § 231(a)(3). He has been released on pretrial conditions. He specifically authorized counsel to represent he consents to the continuance with the knowledge that the timeframe is excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

Defense counsel will be filing a motion to dismiss the Indictment this week, which will toll the speedy trial clock. Additionally, counsel is in need of more time to conduct legal research, locate potential exculpatory evidence, review discovery materials with the defendant, and otherwise properly prepare for trial.

Assistant United States Attorney Thomas Ratcliffe has authorized counsel to represent the government has no objection to the requested continuance.

Based on the aforementioned, counsel moves to continue the trial of February 9, 2021, to April 27, 2021, or a date thereafter convenient to the Court. The timeframe of the requested continuance is excludable from Speedy Trial computations pursuant to 18 U.S.C. § 3161(h)(7)(A), as additional time is required for pretrial investigation and trial preparation and the ends of justice served by the granting of the continuance outweigh the interests of the public and the defendant in a speedier trial.

Respectfully submitted on January 26, 2021.

/s/ Gerald M. Needham

Gerald M. Needham

Assistant Federal Public Defender